

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION**

JESSE DEMARCO TORRES,

Plaintiff,

Case No: 6:22-cv-01927-JR

v.

MARTIN O'MALLEY,
COMMISSIONER OF
SOCIAL SECURITY,

ORDER

Defendant.

Upon consideration of the parties' Stipulation for Attorney Fees Under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. 2412(d),

It is hereby ORDERED that the stipulation is granted. Defendant shall pay attorney's fees to Plaintiff pursuant to the EAJA in the amount of Nine Thousand Three Hundred Six Dollars and 67/100 (\$9,306.67). Plaintiff's counsel also requests \$402.00 in costs expended for the filing of the complaint. Costs and expenses are treated differently under the statute, *see* 28 U.S.C. § 2412(a)(1), (d), and are paid separately out of two separate funds.

Pursuant to *Astrue v. Ratliff*, 130 S.Ct 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). If after receiving the Court's EAJA fee order, the Commissioner determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, the fees will be made payable to Plaintiff's attorney. However, if there is a debt owed that is subject to offset under the Treasury Offset Program, any remaining EAJA fees after offset will be paid by a check payable to Plaintiff but delivered to Plaintiff's attorney.

Dated: 2/5/2024

/s/ Jolie A. Russo

Jolie A. Russo

U.S. Magistrate Judge